

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Anika Shanell Fleming v Marsh Torie Spears**
Docket No. **288205**
L.C. No. **2006-726526-DP**

Henry William Saad, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),
orders:

The claim of appeal is DISMISSED for lack of jurisdiction.

In the March 6, 2007 default judgment of filiation the Oakland Circuit Court postponed its decision on the parenting time issue to a later date. When a lower court postpones a decision on a central issue to a case, the order containing this decision cannot be considered a final order because it neither disposes of all the claims nor adjudicates the rights and liabilities of all the parties. MCR 7.202(6)(a)(i). See also *Helms v Helms*, 185 Mich App 680, 685; 462 NW2d 812 (1990) (a judgment of divorce that postpones the resolution of an issue to a later date is not final order). Without a valid final order, this Court cannot accept appellant's claim of appeal from the September 24, 2008 order that denied a motion to set aside a non-final order. MCR 7.202(6)(a)(i) and MCR 7.203(A)(1).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN 22 2009
Date


Chief Clerk